

REMARKS

Claims 1-2, 4-11 and 15 are pending and under consideration. Claim 1 is amended herein.

As a preliminary matter, it is noted that an interview was conducted between the Examiner and the Applicant's representative on December 11, 2007. The Examiner is again thanked for her time. During the interview, the structure of the shape tape was discussed. The claims are amended herein based upon the discussions during the interview.

Specifically, claim 1 has been amended to further clarify that the shape tape has a free upper portion not attached to the head receiving portion or the sweat band. In contrast, the plastic 21 of Higgs attaches to the top and bottom portions of the cloth 20. Nebeker does not overcome these deficiencies in Higgs.

The rejections under 35 U.S.C. § 112 are respectfully traversed. Claim 15 recites that the head receiving portion does not comprise the shape tape. The Examiner relies upon page 11, lines 1-6 of the present specification. However, this portion does not refer to the head receiving portion. Claim 1 recites that the shape tape is attached to the head receiving portion, and therefore is a separate element from the head receiving portion.

Accordingly, withdrawal of the rejections is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

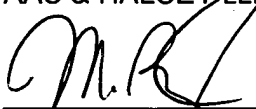
If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12-14-07

By:


Michael J. Badagliacca
Registration No. 39,099

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501